

Applicant respectfully traverses the restriction for at least the following reasons. MPEP § 803 states that “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” As such Applicant respectfully submits that examination of entire application can be made without a serious burden and, therefore, the examiner should examine it on the merits even if it claims independent and distinct inventions.

Additionally, Applicant respectfully submits that none of the Groups, as defined by Examiner, contain an independent claim. Therefore, election of any one of these Groups, as defined by Examiner, would necessitate the withdrawal of all independent claims, thus causing all elected claims to become *de facto* improper under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter regarded as Applicant’s invention. As stated in MPEP §2173.05(f), “where the format of making reference to limitations recited in another claim results in confusion, then a rejection would be proper under 35 U.S.C. §112, second paragraph.” It goes without saying that a dependent claim referring to a claim that is not present is confusing. Thus, in avoidance of a certain 35 U.S.C. §112, second paragraph rejection, Applicant has additionally provisionally elected those claims from which the claims from provisionally elected Group VI depend.

CONCLUSION

Wherefore, Applicant believes he has addressed all outstanding grounds raised by the Examiner and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas J. McWilliams', written over a horizontal line.

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